

# **EXHIBIT 3**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: :  
 : Docket #22cv10336  
LOCAL 2507, UNIFORMED EMTs, :  
PARAMEDICS & FIRE INSPECTORS, :  
et al., :  
 :  
Plaintiffs, :  
 :  
- against - :  
 :  
CITY OF NEW YORK, :  
 : New York, New York  
Defendant. : May 14, 2025

----- :

PROCEEDINGS BEFORE  
THE HONORABLE GABRIEL W. GORENSTEIN,  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiffs: THE KURLAND GROUP  
BY: YETTA KURLAND, ESQ.  
85 Broad Street, 28<sup>th</sup> Floor  
New York, New York 10004  
  
BELDOCK LEVINE & HOFFMAN LLP  
BY: DAVID RANKIN, ESQ.  
99 Park Ave 26th Floor  
New York, New York 10016

Transcription Service: Carole Ludwig, *Transcription Services*  
155 East Fourth Street #3C  
New York, New York 10009  
Email: Transcription420@aol.com

Proceedings and recorded by electronic sound recording;  
Transcript produced by transcription service.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PROCEEDING

15

way to have put it and what's the answer?

MS. KURLAND: They are for both Fire and EMS jobs in the FDNY.

THE COURT: I see. So does the form itself specify Fire, EMS, both, neither, silent?

MS. KURLAND: So you can identify when you have an interest in applying for EMS or whether you have an interest in applying for Fire, and the testimony of plaintiffs is that they are told for women and people of color to encourage them, if they come up and ask to fill out an expression of interest for Fire, they are told fill, you know, to also check off the EMS box because --

THE COURT: Wait, I'm sorry, who's telling who? Start again.

MS. KURLAND: Sure. The what's called the recruiters, the recruiters for the FDNY, one of which is an affiant here, explains that she was recruiting for the FDNY in communities of color and that she was told, as were others, that the policy was when a woman or person of color approach the table to express an interest in applying for a position for Fire, they were told to also fille out an expression of interest for EMS because it was easier to get into EMS and then they could eventually go to Fire and that we're going to show

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## PROCEEDING

16

that those expression of interests where you're going to see, I think, that women and people of color have both of those boxes checked. It's going to corroborate the Simmons testimony that, in fact, defendant was steering women and people of color to the EMS side which is an important and relevant topic for our segregated, occupational segregation.

THE COURT: Okay, just to get back to what the affiants were asserting. So the affiants are asserting that they were told by superiors within FDNY that if a plaintiff class person approached and handed in a form with just FDNY checked or asked about how to fill out the form or what, the person was told to be sure to check EMS as well or instead of FDNY. Why don't you correct me for where I got all that wrong.

MS. KURLAND: They were encouraged and recommended to also check the EMS box and to actually ultimately apply for EMS positions --

THE COURT: Okay.

MS. KURLAND: -- instead of Fire positions.

THE COURT: All right, so your theory is that this form - tell me what - I guess my problem is how does this form - what kind of data can you get from this form that would back up the contention that this was, of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PROCEEDING

17

what the affiants were saying?

MS. KURLAND: For example, as counsel had acknowledged, race and gender demographics are on that form so you will see women and people of color checking off both boxes instead of just checking off the Fire box compared to white and male --

THE COURT: Okay, so if we have 100 percent white males check Fire and 100 percent black and females check both, you think that would be indicative, that would back up your affiants.

MS. KURLAND: It would.

THE COURT: Okay. Let me just go back to the defendants. I mean there's two steps to this. One is that the forms would back up the affiants and the second is whether the affiants' claim is relevant to this, whether the affiants' statement about the steering, are you saying that's not relevant to this case or are you saying the data from the forms would not be relevant? So why don't you help me on that.

MS. PHILION: Sure, so, Your Honor, first, as an initial matter, I must correct something that Ms. Kurland said. This is not form in which you check a box. There are two forms. There's one to express interest in a position as a firefighter and one to